

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

SADDLERIDGE ESTATES, INC., AND
MCCLAIN BROTHERS REAL ESTATE, LLC.

Respondent-Appellants

v.

EUGENE RUIZ AND CHARLENE RUIZ

Appellant-Respondents

DOCKET NUMBER WD70806 and WD71311

DATE: August 3, 2010

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Marco Antonio Roldan, Judge

Appellate Judges:

Division Four: Thomas H. Newton, P.J., James Edward Welsh and Gary D. Witt, JJ.

Attorneys:

Gary M. Steinman, Gladstone, MO

Counsel for Appellant-Respondents

Attorneys:

Daniel A. Thomas, Independence, MO

Counsel for Respondent-Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

SADDLERIDGE ESTATES, INC., AND MCCLAIN BROTHERS
REAL ESTATE, LLC., Respondent-Appellants, v. EUGENE RUIZ
AND CHARLENE RUIZ, Appellant-Respondents

WD70806 and WD71311

Jackson County

Before Division Four Judges: Thomas H. Newton, P.J., James Edward Welsh and Gary D. Witt, JJ.

Mr. Eugene and Mrs. Charlene Ruiz appeal the trial court's judgment in favor of Saddleridge Estates, Inc. (Saddleridge) and McClain Brothers Real Estate, L.L.C. (McClain). Saddleridge and McClain (collectively "Respondents") sued the Ruizes for breach of contract, fraudulent misrepresentation, breach of the implied covenant of good faith and fair dealing, and punitive damages. Saddleridge also sued the Ruizes for negligent misrepresentation. A jury found the Ruizes liable for breaching the contract with Saddleridge and McClain, for negligently and fraudulently misrepresenting material facts to Saddleridge and McClain, and for punitive damages. The trial court entered judgment in accord with the verdict.

AFFIRMED.

Division Four holds:

The Ruizes argue eight points on appeal. The first point challenges the trial court's ruling precluding the Ruizes from being called as witnesses to rebut testimony provided in a videotaped deposition during plaintiffs' case in chief. Points two through six challenge the trial court's denial of the motion for JNOV. The seventh point challenges the trial court's giving of verdict directors on the plaintiffs' claims. The eighth and final point challenges the trial court's admitting evidence of damages by Saddleridge that were not disclosed during discovery or alleged in the petition. We reviewed all the points and found that they have no merit; the trial court's judgment should be affirmed.

Opinion by: Thomas H. Newton, Judge

August 3, 2010

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